

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RICHARD M. SMITH, DONNA )  
SMITH, DOUG SCHRIEBER, )  
SUSAN SCHRIEBER, RODNEY A. )  
HEISE, THOMAS J. WELSH, JAY )  
LAKE, JULIE LAKE, KEITH )  
BREHMER, RON BRINKMAN, and )  
VILLAGE OF PENDER, )  
NEBRASKA, )

4:07CV3101

Plaintiffs, )

v. )

**MEMORANDUM AND ORDER**

MITCH PARKER, in his official )  
capacity as Chairman of the Omaha )  
Tribal Council, BARRY WEBSTER, )  
in his official capacity as Vice- )  
Chairman of the Omaha Tribal )  
Council, AMEN SHERIDAN, in his )  
official capacity as Treasurer of the )  
Omaha Tribal Council, RODNEY )  
MORRIS, in his official capacity as )  
Secretary of the Omaha Tribal )  
Council, ORVILLE CAYOU, in his )  
official capacity as member of the )  
Omaha Tribal Council, ELEANOR )  
BAXTER, in her official capacity as )  
member of the Omaha Tribal )  
Council, and ANSLEY GRIFFIN, in )  
his official capacity as member of the )  
Omaha Tribal Council and as the )  
Omaha Tribe's Director of Liquor )  
Control, )

Defendants. )

By prior order (filing [53](#)) of this court, the parties in this case are required to file joint status reports with the Clerk of Court beginning January 4, 2008, and every 120 days thereafter. The purpose of these reports is to advise the court of the status of Plaintiffs' exhaustion of remedies in the Omaha Tribal Courts and whether the stay may be lifted. The parties submitted status reports on January 4, 2008 (filing [56](#)); May 2, 2008 (filing [57](#)); and August 7, 2008 (filing [58](#)), but nothing further has been received. I shall order the parties to submit a joint status report within 10 days of the date of this order.

IT IS ORDERED that, within 10 days of the date of this order, the parties shall submit a joint status report advising the court of the status of Plaintiffs' exhaustion of remedies in the Omaha Tribal Courts.

DATED this 28<sup>th</sup> day of January, 2009.

BY THE COURT:  
*s/ Richard G. Kopf*  
United States District Judge